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7 United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

FRANK JONATHAN GUZMAN, and
JOSE CRUZ IVAN AISPURO,

Defendants.

CASE NO. 2:19-CR-232-JAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

DATE: March 15, 2022

TIME: 9:30 a.m.

COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on March 15, 2022.

2. By this stipulation, the parties request to continue the status conference to May 10, 2022, a.m., and to exclude time between March 15, 2022, and May 10, 2022, under 18 U.S.C.

§ 3161(h)(7)(A), B(iv) [Local Code T4].

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case

includes approximately 928 pages of investigative reports, photographs, and other documents, as

1 well as multiple video and audio recordings. All of this discovery has been either produced
2 directly to counsel and/or made available for inspection and copying.

3 b) The Indictment in this case was returned on December 19, 2019. ECF No. 16.

4 c) Counsel for Defendant Guzman, Kelly Babineau, substituted into this case as
5 counsel of record on February 4, 2020. *See* ECF Nos. 20-22.

6 d) Counsel for defendants need additional time to review the discovery, meet with
7 their clients to assess the discovery, conduct necessary investigation, conduct legal research into
8 trial issues and sentencing issues, discuss potential resolutions with their clients, and otherwise
9 prepare for trial.

10 e) Counsel for defendants believe that failure to grant the above-requested
11 continuance would deny them the reasonable time necessary for effective preparation, taking into
12 account the exercise of due diligence.

13 f) The government does not object to the continuance.

14 g) Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the defendant in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of March 15, 2022, to May 10, 2022,
19 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] on
20 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
21 best interest of the public and the defendant in a speedy trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

25 IT IS SO STIPULATED.

1 Dated: March 10, 2022

PHILLIP A. TALBERT
United States Attorney

5 Dated: March 10, 2022

6 /s/ DAVID W. SPENCER
7 DAVID W. SPENCER
8 Assistant United States Attorney

9 Dated: March 10, 2022

10 /s/ Kelly Babineau
11 Kelly Babineau
12 Counsel for Defendant
13 FRANK JONATHAN
14 GUZMAN

15 Dated: March 10, 2022

16 /s/ David W. Dratman
17 David W. Dratman
18 Counsel for Defendant
19 JOSE CRUZ IVAN AISPURO

20 **FINDINGS AND ORDER**

21 IT IS SO FOUND AND ORDERED this 10th day of March, 2022.

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29 /s/ John A. Mendez
30 THE HONORABLE JOHN A. MENDEZ
31 UNITED STATES DISTRICT COURT JUDGE